

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.
05 OCT -4 AM 9:39

WILLIAM W. ROBINSON
and ANN M. ROBINSON,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Plaintiffs,

v.

CIVIL ACTION NO. 05-2584 MI AN
JURY DEMANDED

FAIRBANKS CAPITAL CORPORATION,
Successor In Interest To Sovran Equity
Mortgage Corporation and
SELECT PORTFOLIO SERVICING, INC.,

Defendants.

[PROPOSED] RULE 16(b) SCHEDULING ORDER

Pursuant to Rule 26 (f), the parties held a planning conference on September 19, 2005.

Present for the conference were:

Lanier Fogg, Esq., counsel for Plaintiff;

Clinton J. Simpson, counsel for Defendants.

Pursuant to Rule 26(f), the parties reported that initial disclosure as required by Rule 26(a)(1) will be made by the parties on or before October 28, 2005.

Pursuant to and in accordance with Rule 26(f) proposed discovery plan submitted by the parties, as amended, the following dates were established as the final dates for:

A. JOINING PARTIES

For Plaintiff: December 13, 2005

For Defendant: January 13, 2006

B. AMENDING PLEADINGS:

For Plaintiff: February 13, 2006

For Defendant: March 13, 2006

C. COMPLETING ALL DISCOVERY: June 15, 2006

a. REQUESTS FOR PRODUCTION, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: April 13, 2006

b. EXPERT DISCLOSURE (Rule 26(a)(2)):

(i) Plaintiff's Expert: April 13, 2006

(ii) Defendant's Expert: May 12, 2006

D. DEPOSITIONS OF EXPERTS: June 15, 2006:

E. FILING DISPOSITIVE MOTIONS: July 16, 2006

F. FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

a. for Plaintiff: 45 days before trial

b. for Defendant: 30 days before trial

Other Relevant Matters:

All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for non-jury trial.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

Stipulated by the parties this _____ day of _____, 2005.

Plaintiff Counsel:

R. Lanier Fogg by cjs
R. Lanier Fogg
Attorney for Plaintiff

Defense Counsel:

Clinton J. Simpson
Clinton J. Simpson
Attorney for Defendant

Adopted by the Court this 13rd day of October, 2005.

S. Thomas Cunder
U. S. Magistrate Judge



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02584 was distributed by fax, mail, or direct printing on October 4, 2005 to the parties listed.

Kenny W. Armstrong
CHANCERY COURT, 30TH JUDICIAL DISTRICT
140 Adams Ave.
Rm. 308
Memphis, TN 38103

Clinton J. Simpson
BAKER DONELSON BEARMAN & CALDWELL
20th Floor
165 Madison Avenue
Memphis, TN 38103

Lanier Fogg
LAW OFFICE OF R. LANIER FOGG
294 Washington Ave.
Memphis, TN 38103--191

Honorable Jon McCalla
US DISTRICT COURT